IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.25236 of 2004

Between:

Guniganti Shilpa W/o. S.Ram Gopal Rao

R/o. 4-1-225/1/B, Rajivnagar, Nacharam,

Hyderabad-76

..... PETITIONER

AND

Regional Pass Port Officer,

Hyderabad

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring that the action of the respondent in not correcting the date of birth as 8-7-1981 as per SSC and college record in the passport of the petitioner in place of 8-8-1982 is highly arbitrary, bad and illegal and consequently direct the respondent to rectify the date of birth of the petitioner as 8-7-1981 as per SSC record in the passport

Counsel for the Petitioner:MR.P.PRABHAKAR REDDY

Counsel for the Respondent No.: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following :

ORDER:

The present writ petition is filed, seeking a direction to the respondent to consider the application of the petitioner for correction of her date of birth and to issue a fresh passport with correct date of birth as
8-7-1981. It is stated that the petitioner has submitted an application on 16-8-2004 for correction of her date of birth in the passport and that she also paid an amount of Rs.2500/- for issuance of passport with correct date of birth. The grievance of the petitioner is that though a period of four months was lapsed, the respondent authority has not taken any action to correct the date of birth and on her persuasions, she was advised to obtain an order of the Court. Hence, the present writ petition.

Heard learned counsel for petitioner and learned Standing Counsel for Central Government. Both counsel agreed for disposal of the writ petition at the admission stage.

It is required to notice that there is no provision under the Passports Act, 1967, which empowers the Regional Passport Officer to correct entries in the Passport. However, pursuant to the judgment of the High Court of Judicature at Bombay, in W.P.
No. 1072 of 2000, the Government of India issued instructions/clarifications in Circular dated 18-4-2001, which are to the following effect:

a. Where an applicant is seeking rectification/correction of a mistake in the entry on date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, effect the correction treating the same as a technical

correction. There is no need for a declaratory order in such cases.

b. Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General Clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c. Where the initial entry has been made on the basis of a supportive document issued by one competent authority i.e., school/educational authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent court of jurisdiction, certifying the valid date of birth/place of birth.

Since, the petitioner stated to have made an application for correction of her date of birth on 16-8-2004 and paid the required fee of Rs.2500/-, I deem it appropriate to dispose of the writ petition with the following directions:

The respondent is directed to consider the application of the petitioner dated 16-8-2004 for correction of date of birth and issuance of fresh Passport, and process the same after verifying the genuineness or otherwise thereof basing on the documents filed by the petitioner in support of her case and pass appropriate orders for change of date of birth, in the light of the aforementioned guidelines.

With the above directions, the writ petition is disposed of. No costs.

SD/- C.V.RAMAKRISHNA

ASSISTANT REGISTRAR

// **TRUE COPY** //

SECTION OFFICER

To

1. Regional Pass Port Officer, Hyderabad
2. Two CD Copies.
3. One CC to Mr. P. Prabhakar Reddy, Advocate. (OPUC)
4. One CC to Smt. H. Seetha Devi, Advocate. (OPUC)

P.M.

Dated: 31-12-2004

ORDER

WP.NO. 25236 OF 2004

Writ Petition is disposed of

No costs.